

ORIGINAL

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

700-0008

STIPULATED AGREEMENT

This agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission, hereinafter referred to as the "Commission", the Norfolk Southern Railway Company, hereinafter referred to as the "Company", Mt. Olive Township, Macoupin County, hereinafter referred to as the "Township", and the State of Illinois, Department of Transportation, hereinafter referred to as the "Department".

WITNESSETH:

WHEREAS, it has come to the attention of the Commission that inquiry should be made into the matter of improving public safety at the crossing (DOT 175 346L) of the Company's track with a public highway known as Township Road (TR) 439 (White City Road), Mt. Olive Township, Macoupin County, Illinois; and

WHEREAS, proper investigation has been made of the circumstances surrounding the aforesaid crossing by a member of the Commission's staff; and

WHEREAS, the physical aspects, including geometrics of the intersection, train movements, vehicular traffic volume and all other pertinent data relating to the crossing have been obtained and shown on Exhibit A, attached to the agreement; and

WHEREAS, the parties are mutually agreeable to accomplish the proposed improvements upon a determination of the Commission by order.

NOW, THEREFORE in consideration of the premises and of the mutual covenants and agreements as hereinafter contained the parties pray that the Commission enter an order according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law requiring that certain improvements as hereinafter stated be made and that the cost for the proposed improvements be divided among the parties according to law and that in the interest of the statewide traveling public the Grade Crossing Protection Fund of the Motor Fuel Tax Law be required to bear a substantial portion of the cost; To Wit the parties agree as follows:

Section 1 All improvements encompassed by this agreement shall be made in accordance with all applicable State laws, rules, standards, regulations and orders and procedures in general.

DOCKETED

Section 2 The parties are of the opinion that the proper improvements in the interest of public safety at the aforesaid crossing should be:

- (a) the installation of automatic flashing light signals and gates controlled by constant warning time circuitry ("CWT") at the TR 439 (White City Road) crossing.
- (b) the installation of a new crossing surface.

Section 3 The Company has prepared preliminary estimates of cost to accomplish the proposed improvements which it may be required to perform, said estimates are attached as Exhibit B. Upon issuance of a Commission Order, according to the requirements contained therein, the Company shall prepare detailed estimates of cost, detailed drawings, detailed circuit plans, and required specifications for the proposed improvements for the approval of the Commission and the Department.

Section 4 The Company shall upon order, according to the requirements contained therein, proceed toward the completion of the proposed improvements, accomplishing the work with its own forces or appropriate contracted services and agrees that an appropriate time for the submission of plans should be one hundred twenty (120) days, for the submission of progress reports should be six (6) months and for the completion of the proposed improvements should be twelve (12) months, from the date of Commission order subsequent to this agreement.

Section 5 The parties hereto agree that an equitable division of cost for the proposed improvements should be:

- (a) the cost to install the automatic flashing light signals and gates controlled by CWT circuitry at TR 439 (White City Road), estimated to be \$120,925, should be divided 85% in an amount not to exceed \$102,786 to the Grade Crossing Protection Fund ("Fund"), 10% in an amount not to exceed \$12,093 to the Township, with all remaining installation cost and all cost of future maintenance and operation of the warning devices being borne by the Company.
- (b) the cost to install a new crossing surface at TR 439 (White City Road), estimated to be \$11,805, along with all future maintenance, should be borne 100% by the Company.

Section 6 All bills for expenditures authorized to be reimbursed from the Grade Crossing Protection Fund shall be submitted to the Director of Processing, Transportation Division of the Commission, the final bill for expenditures from each party shall be clearly marked "Final Bill".

Section 7 This agreement shall be binding upon the parties hereto, their successors or assigns. Upon execution of this agreement by all parties, the Commission shall enter an appropriate order, within 60 days accepting or rejecting such stipulation according to the provisions contained herein.

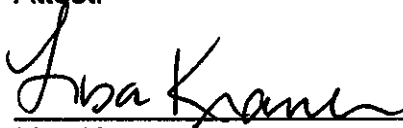
In Witness Whereof, the parties have caused this agreement to be executed by their duly authorized officers, as of the dates indicated herein.

Executed by the Commission this 14th day of June, 1999.



Michael E. Stead
Acting Railroad Safety Program Administrator

Attest:



Lisa Kramer
Railroad Safety Specialist

Illinois Commerce Commission Stipulated Agreement No. 839 concerning improvements at the Township Road (TR) 439 (White City Road) grade crossing of the Norfolk Southern Railway Company tracks near the Village of Sawyerville, Illinois, designated as crossings AAR/DOT 175 346L (milepost 113.43L).

Executed by the Department this 28TH day of JUNE 1999.

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

By: James C. Shifon
Director of Highways

Illinois Commerce Commission Stipulated Agreement No. 839 concerning improvements at the Township Road (TR) 439 (White City Road) grade crossing of the Norfolk Southern Railway Company tracks near the Village of Sawyerville, Illinois, designated as crossings AAR/DOT 175 346L (milepost 113.43L).

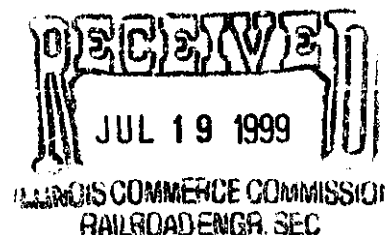
Executed by Mt. Olive Township this 17th day of July 1999.

MT. OLIVE TOWNSHIP

By: John Mihalic

Attest:

Daniel M. Hunter



Illinois Commerce Commission Stipulated Agreement No. 839 concerning improvements at the grade crossing of the track of the Company with TR 439 (White City Road) located near Sawyerville, Macoupin County, Illinois, designated as crossing AAR/DOT 175 346L, milepost 113.43 CNWL.

MILEPOST 113.43 IS THE LISTING FOR SOUTHERN PACIFIC RAILROAD,
THIS LINE WAS PURCHASED BY NORFOLK SOUTHERN.
TRANSFER OF INFORMATION, CONCERNING MP # HAS NOT BEEN UPDATED.

Executed by the Company this _____ day of _____ 2000.

^{SJS}
NORFOLK SOUTHERN RAILWAY
COMPANY

By: HR Compton

Attest:

[Signature]
Assistant Corporate Secretary

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT SURVEY FORM

RR/Line NS / L Milepost 113.43 Inventory # 175 346L
Village Near Sawyerville Street TR 439 (White City Rd) County Macoupin
Jurisdiction Township (Mt. Olive) Urban Rural X Commercial Residential
Street Surface Oil & Chip Width 17' Condition Good
Angle 90° Tracks Tangent N/A Degree of Curve None Superelevation None
Depth of Cut 0' Height of Fill 0'

Crossing Surface

Track Centers	Elevation	Track	Type	Width	Condition
		Main	Asphalt & Flange Rail	28'	Poor

Intersecting Roads <100' 87' West to Ill. Route 4 <200' N/A

Traffic Control Devices Present: Stop Sign on TR 439

ADT 250 Speed 55 mph (unposted) Statewide Yes

School Buses Hazardous Materials Other N/A

Rail Traffic: Ft. 5 @ 40 mph Pass. 0 @ mph Switch No

Simultaneous Movements: N/A Daylight and Dark: Yes

Present Protection: Crossbucks

Advance Warning Signs Yes Pavement Marking No

Visibility Study

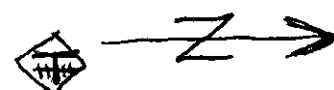
Quad	(959' @ 15' Required)	Obstruction	(469' @ 573' Required)	Obstruction
	Clearing Visibility		Stopping Visibility	
NE	OK		25'	Treeline
NW	650'	Weeds and Brush	150'	Embankment; Weeds
SE	OK		25'	Treeline
SW	OK		OK	

Approach Grades

East	Level	'	%	'	%	'	%
West	Level	'	%	'	%	'	%

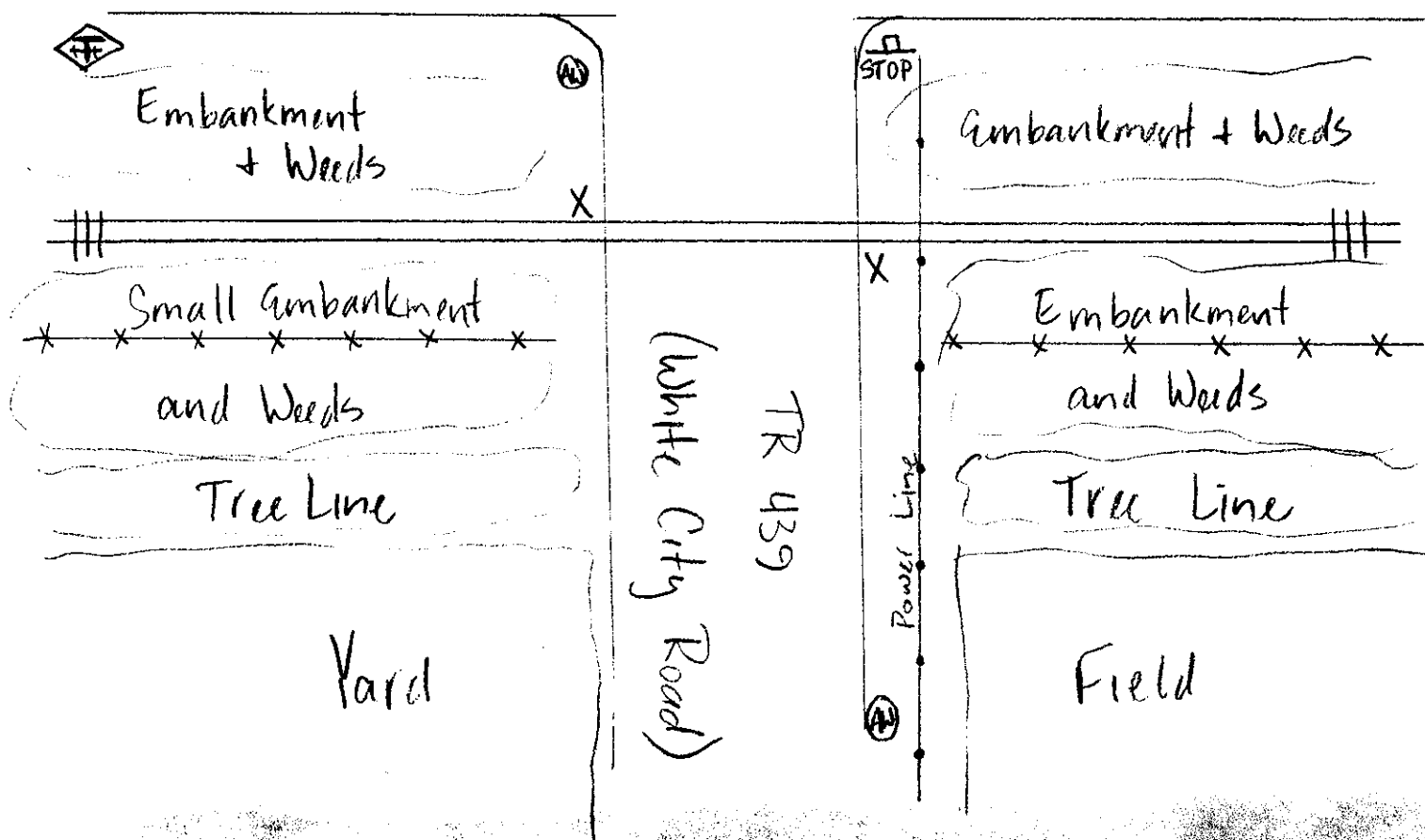
Comments: Stopping visibility was measured from 200' from the crossing rather than the recommended 573', because of the close proximity of Illinois Route 4.

) Driveway (



Illinois

Route 4



Ball-Park Estimate for Automatic Grade Crossing Warning Devices

City/State:	Sawyerville (Mt. Olive)	Road:	White City Rd., TR-439
Milepost:	0	DOT/AAR No.:	175 346L
Type Project:	New Installation	County:	Macoupin
S&E Project:	04.0425	AFE No.:	
Man Days:	20	File No.:	061-04.462

***** PURCHASES - OTHERS *****

Meals and Lodging:	\$	5,035
Rental of Equipment: (2 Trucks, 1 Backhoe w/Trailer and 1 Pipe-Pusher for: 20 Days	\$	11,011
Construction Supervision Vehicle:	\$	212
Contingencies:	\$	721
Purchases - Other Total:	\$	16,980

***** MATERIAL AND ADDITIVES *****

Material Cost:	\$	62,500
Sales & Use Tax:	\$	3,125
Freight Charges:	\$	5,938
Material Total:	\$	71,563

***** LABOR AND ADDITIVES *****

Labor Cost: (4 Man crew at \$649.00 a day for: 20 Days	\$	12,964
Payroll Tax and Overheads:	\$	11,223
Preliminary Engineering:	\$	4,537
Construction Supervision:	\$	3,658
Labor Total:	\$	32,383
Subtotal:	\$	120,925
Credit (Salvage/Scrap):	\$	
Total Project Cost:	\$	120,925

Estimate Date: 06-10-99

Estimated By: R. H. Ray

This Estimate Valid For One Year From The Above Date

Estimate for Crossing Surface Widening or Re-Work and Track Changes.

City/State:	Sawyerville (Mt. Olive)	Road:	White City Rd., TR-439
Milepost:	0	DOT/AAR No.:	175 346L
State No.:	0	County:	Macoupin

***** PURCHASES - OTHERS *****

Meals and Lodging:	\$	504
Rental of Equipment:	\$	1,101
Construction Supervision Vehicle:	\$	21
Contingencies:	\$	70
Purchases - Other Total:	\$	1,696

***** MATERIAL AND ADDITIVES *****

Material Cost:	\$	6,000
Sales & Use Tax:	\$	300
Freight Charges:	\$	570
Material Total:	\$	6,870

***** LABOR AND ADDITIVES *****

Labor Cost:	\$	1,296
Payroll Tax and Overheads:	\$	1,122
Preliminary Engineering:	\$	454
Construction Supervision:	\$	366
Labor Total:	\$	<u>3,238</u>
Subtotal:	\$	11,805
Credit (Salvage/Scrap):		<u> </u>
Total Project Cost:	\$	11,805

This Estimate Dated: 05-27-99

This Estimate Valid for One Year From Date of Estimate

Exhibit C

ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT

Date 7/6/99

Agreement # 839

Mt. Olive Township at a meeting on 7/6/99, Resolved to authorize

John Mihelcic, Mt. Olive Township Road Commissioner
(Name, Office)

to act as its designated agent in the processing of this Stipulated Agreement and that the Township is financially willing and able to bear the cost for the proposed improvements as may be assigned to it according to Section 5 of this Agreement.

